# Lie Tests Held Legal For State Employees

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BALTIMORE, Sept. 23 (UPI)—Lie detector tests may be required of State Corrections Department employees during internal investigations of suspected illegal activities and that employees who fail to cooperate may be dismissed, Attorney General Francis B. Burch said in an opinion today.

Correctional personnel occupy positions of public trust and must account to the state for their actions, "Burch said. "Their responsibility to the state is to obey its law and the rules of conduct it has generally laid down."

Burch said that while private employers are prohibited by law from from demanding polygraph tests of their employees, state agencies are "specifically exempted" from the statues governing lie-detector tests.

"If it appears to the commissioner (of corrections) that certain acts of transgression have been committed by his employees, he has the authority to require a correctional employee to submit to a test under threat of dismissal," Burch said.

The attornery general cited two cases, in New Orleans and the state of Washington, in which the dismissals of police officers were upheld in court because they refused to take polygraph tests in departmental investigations of alleged irregularities.

However, Burch said his study of the question "mandates that certain criteria be established to insure proper procedural methods are employed."

He said employees undergoing the test should be advised they need not waive immunity from prosecution; that the information they supply will not be used against them; that refusal to cooperate could result in dismissal; and that the test will be confined "specifically, directly and narrowly" to the employees' official duties.

"If the commissioner follows these criteria, then the correctional employee may be required under threat of dismissal to take a polygraph test to determine possible involvement in illegal or illicit activities, "Burch said.